

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORACLE INTERNATIONAL
CORPORATION,

Case No. C-03-2267 VRW (JCS)

Plaintiff(s),

v.

MANGOSOFT, INC., ET AL.,

Defendant(s).

**NOTICE OF REFERENCE, TIME AND
PLACE OF HEARING; ORDER
RE DISCOVERY PROCEDURES
(E-FILING CASES)**

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to the undersigned for all discovery matters.

The hearing on Plaintiff's Motion to Compel has been set for **September 23, 2005, at 1:30 p.m.**,
in Courtroom A, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102.

The motion, if not already filed, shall be electronically filed and served no later than 35 (35) days prior to the hearing. The opposition(s) shall be electronically filed and served no later than twenty-one (21) days prior to the hearing. Any reply to the opposition(s) shall be electronically filed and served no later than fourteen (14) days prior to the hearing. All documents shall be filed with the Clerk's Office in compliance with Civil Local Rules 7-2 through 7-5. Documents not filed in compliance with those rules will not be considered by the Court. Any party seeking an award of attorney's fees or other expenses in connection with this motion shall file a motion in accordance with Civil Local Rule 37-1(e).

LAW AND MOTION HEARING PROCEDURES

Civil law and motion is usually heard on Friday mornings, at 9:30 a.m., in Courtroom A, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California 94102.

Motions to compel may be noticed without reserving a hearing date, subject to the Court's availability.

Discovery motions may be addressed to the Court in three ways.

1. A motion may be noticed on not less than 35 days' notice pursuant to Civil L. R. 7-2. Alternatively, any party may seek an order shortening time under Civil L. R. 6-3 if the circumstances justify that relief.

2. In emergencies during discovery events, the Court is available pursuant to Civil L. R. 37-1(b).

3. In the event a discovery dispute arises, counsel for the party seeking discovery shall in good faith confer **in person** with counsel for the party failing to make the discovery in an effort to resolve the dispute without court action, as required by Fed. R. Civ. P. 37 and Civil L. R. 37-1(a). The meeting must be **in person**, except where good cause is shown why a telephone meeting is adequate. A declaration setting forth these meet and confer efforts, and the final positions of each party, shall be included in the moving papers. The Court will not consider discovery motions unless the moving party has complied with Fed. R. Civ. P. 37 and Civil L. R. 37-1(a).

A party or counsel has a continuing duty to supplement the initial disclosure when required under Federal Rule of Civil Procedure 26(e)(1).

Law and motion matters may be submitted without argument upon stipulation of the parties and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil L. R. 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7) days of the date for service of the opposition. Thereafter, leave of the Court must be sought.

ELECTRONIC FILING AND COURTESY COPIES

Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of California for information relating to electronic filing procedures and requirements. All documents shall be filed in compliance with the Civil Local Rules. Documents not filed in compliance with those rules will not be considered by the Court.

BEFORE 5:00 P.M. ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE

PAPER COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS' COPY." All filings of documents relating to motions referred to Magistrate Judge Spero shall list the civil case number and the district court judge's initials followed by the designation "(JCS)".

The failure of counsel or a party to abide by this Order may result in sanctions pursuant to Federal Rule of Civil Procedure 16(f).

IT IS SO ORDERED.

Dated: August 9, 2005


JOSEPH C. SPERO
United States Magistrate Judge